

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nancy C. Frye
Serial No.: 10/790,923
Filing Date: March 1, 2004
Confirmation No.: 1435
Group Art Unit: 3728
Examiner: Marie D. Patterson
Title: SHOE AND LAST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

NOTICE OF APPEAL

In response to the Final Action issued December 26, 2007, Applicant respectfully requests the Board of Patent Appeals and Interferences to reconsider the rejections to the claims and the objections to the Application.

REMARKS

This Application has been carefully reviewed in light of the Final Action issued December 26, 2007. Applicant respectfully requests consideration and favorable action in this Application.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decisions of the Examiner mailed December 26, 2007 finally rejecting the pending claims.

This application is filed on behalf of a small entity.

Attached herewith is a Request for Pre-Appeal Brief Review for consideration with this Notice of Appeal.

Please charge Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. an amount of \$255.00 to satisfy the Notice of Appeal fee under 37 C.F.R. §1.17(b).

CONCLUSION

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Charles S. Fish", is written over the printed name.

Charles S. Fish

Reg. No. 35,870

March 26, 2008

Correspondence Address:

2001 Ross Avenue, Suite 600

Dallas, Texas 75201-2980

(214) 953-6507

Customer Number: 05073